

ATTORNEY DOCKET NO. 22841-018
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
NICOLSON et al.) Customer No.: 20277	
THOOLOON OF AL.) Confirmation No.: 6172	
Serial No.: 09/640,526)	RECEIVED
Filed: August 17, 2000) Group Art Unit: 1714) Examiner: Edward Cain	SEP 1 0 2004
FOR: EXTENDED WEAR OPHTHALM	11Ć LENS	TC 1700

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is directed to the cited reference(s) listed on the attached PTO-1449. The cited references are believed to be the most relevant known to Applicants and/or Assignee at this time concerning the invention as claimed in the above-captioned patent application. No representation is made or intended that more relevant information does not exist or that the order of presentation of the information in any way reflects their relative pertinence.

Applicant(s) respectfully request(s) that each of the cited information be expressly considered during the prosecution of this application and that the cited reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of each reference is attached.

- [] 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. Thus, no certification or fee is required.
- [X] 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - [] a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- [] b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- [X] c. Please charge the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- [] 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) petition(s) that the Information Disclosure Statement be considered. Please charge Deposit Account No. 50-0417 in the amount of \$180.00 for payment of the petition fee. Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
 - [] a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
 - [] b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Please grant any extension of time deemed necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees associated with this communication to Deposit Account No. 50-0417. A duplicate copy of this communication is attached.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Kenneth L. Cage

Registration No. 26,4/51

Date: September 8, 2004

600 13th Street, N.W., Suite 1200 Washington, D.C. 20005-3096

Telephone: 202-756-8000 Facsimile: 202-756-8087

KLC:jam

C:\NrPortbI\WDC99\JMAIZEL\959857_1.DOC

							SHEE	T 1 OF 1
CITATION DISCLOSURE CITATION IN AN SEP 0 8 7004 EAPPLICATION (PTO-1449)		ATTY. DOCKET NO. 22841-018						
		APPLICANT Paul NICOLSON, et al.						
		FILING DATE GROUP August 17, 2000 1714						
			U.S. PATE	NT DOCUMENTS			1. 1	
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code2 (# known)	Publication Date MM-DD-YYYY				, Columns, Lines, Where Relevant ages or Relevant Figures Appear	
	<u> </u>	US						
	т——	1 5 1 5 1 5		ATENT DOCUMENTS				
	CITE NO.		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear		Translation	
						Ţ	Yes	No
	L	OTUE D	107/0-1-5-4		Ļ			
EXAMINER'S				hor, Title, Date, Pertinent Pages, Etc. title of the article (when appropriate)	· · · · · · · · · · · · · · · · · · ·	basi masa	wine income	
INITIALS	CITE NO.	serial, symposium, catalog, etc.),	date, page(s), volu	tide of the article (when appropriate), me-issue number(s), publisher, city a	, title of the item (ind/or country wh	ere publishe	zine, journai, ed.	
	Α	CIBA Vision Corporation et al. v. Bausch & Lomb, Inc., CONSENT DECREE AND ORDER OF DISMISSAL WITH PREJUDICE, United States District Court for the Northern District of Georgia, Gainesville Division, Civil Action No. 2:99-0034-RWS, July 23, 2004						
	В	Novartis AG v. Bausch & Lomb (A Registry, August 24, 2004	Australia) Pty Ltd [2	004] FCA 835, CONSENT ORDER, F	ederal Court of	Australia, Vi	ctoria District	
	 							
							-	٠
	ļ					-44:		
	<u> </u>					RE	CEIVI	ED
						055		
						SEP	10 20	104
						—T (170	0
	<u> </u>				•		<u> </u>	,
					-			
	 					· -		
	1	-			·			
	 							
		<u> </u>						
	<u> </u>							
	<u> </u>	- EVALUACE -			DATE OCCUPY			
		EXAMINER			DATE CONSID	EKEU		

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.